## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

MARCUS ANTOINE WILSON,	)
Plaintiff,	) ) JUDGMENT
v.	) No. 5:14-CV-383-FL
	)
DR. ARGILA,	)
Defendant.	)

## **Decision by Court.**

This action came before the Honorable Louise W. Flanagan, United States District Judge, for consideration of the Memorandum and Recommendation of the United States Magistrate Judge and plaintiff's motion on complaint, negligence and medical practice inadequate medical care, which the construed as a motion to amend.

IT IS ORDERED, ADJUDGED AND DECREED in accordance with the court's order entered October 15, 2015, and for the reasons set forth more specifically therein, that the court grants plaintiff's motion on complaint, negligence and medical practice inadequate medical care, which the construed as a motion to amend. The court DISMISSES without prejudice, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), the negligence or medical malpractice claim plaintiff alleged in his amended complaint. Further, the court ADOPTS the findings and recommendation of the magistrate judge and DISMISSES this action without prejudice for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

## This Judgment Filed and Entered on October 15, 2015, and Copies To:

Marcus Wilson (via U.S. Mail at #0659939, Harnett Correctional Institution, PO Box 1569, Lillington, NC 27546)

October 15, 2015 JULIE RICHARDS JOHNSTON, CLERK /s/ Susan W. Tripp

(By) Susan W. Tripp, Deputy Clerk